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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09.817.252	03 27 2001	Yoshihito Asao	Q63136	8284

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EXAMINER

TAMAI, KARL I

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 05/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

### Application No.

09/817,252

### Applicant(s)

ASAO ET AL.

### Examiner

Tamai IE Karl

### Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 20 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7-10, 15 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-10, 15 and 17-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 28 November 2001 is: a) ☒ approved b) ☐ disapproved by the Examiner
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/065,571.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 7, 9, 10, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hotta et al.(JP 612-254,040)('040) and Hotta(JP 3-265,450)('450) and Burton (UK 2,074,795). '040 teaches a claw pole rotor with a resin bobbin and resin spacers, where the spacers abut the bobbin. The bobbin and spacers integrally formed of the same non-magnetic resin, with a fitting portion 30-c extending against the side and under the adjacent pole to prevent radial and axial movement of the spacer, where the fitting portion 30-c extends between both axial ends of the claw pole(including the tip). '040 does not teach magnetic material in the spacers. '450 teaches resin covers over discrete magnetic material to reduce flux leakage, but does not teach the material being resin with iron filings. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the rotor of '040 with the magnetic material in the spacers (covers), as in '450, to reduce flux leakage, and with magnetic portion being made from resin with iron filings because Burton teaches the resin is preferred because it can be molded into the shape.

3. Claims 8 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hotta et al.(JP 612-254,040)('040) and Hotta(JP 3-265,450)('450). '040 teaches a claw pole rotor with a resin bobbin and resin spacers, where the spacers abut the bobbin. The bobbin and spacers integrally formed of the same non-magnetic resin, with a fitting portion 30-c extending against the side and under the adjacent pole to prevent radial and axial movement of the spacer, where the fitting portion 30-c extends between both axial ends of the claw pole(including the tip). '040 does not teach magnetic material in the spacers. '450 teaches resin covers over discrete magnetic material to reduce flux leakage. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the rotor of '040 with the magnetic material in the spacers (covers), as in '450, to reduce flux leakage.

4. In regards to claims 15 and 19, the spacers for the magnetic portion and the bobbin are made as a unitary structure, but does not teach the process of injection molding. In order to advance prosecution on the merits, the examiner has considered these claims as "product by process claims". As a product by a process claim "even though the product-by process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of the product does not depend on its method of production. If the product in the product by process claim is the same or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process". *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966(Fed. Cir. 1985). In the instant case

the plastic bobbin and spacer can be molded plastic which is poured into the mold, rather than injected.

***Response to Arguments***

5. Applicant's arguments filed 2/20/03 have been fully considered but they are not persuasive. The Applicant's prior arguments have been considered and found not persuasive as set forth in the prior office action dated 8/20/02.

The Applicant's argument that Hotta '040 and Hotta '450 cannot be combined because it would interfere with the ability to prevent centrifugal currents is not persuasive. The centrifugal cooling wind is generated by the fans 7-4 and 7'-4. The spacers 30-b between the claw poles provides the benefit of reduce interference noise (see translation page 6, first paragraph). Hotta '450 teaches that the spacers 31 provide the same reduced noise interference and are filled with magnetic material to reduce flux leakage between the poles 12 and 22 (see the abstract). A person of ordinary skill in the art would clearly be motivated to combine the references to provide these benefits. The Applicant's argument that Hotta and Hotta do not teach the discrete magnetic portions of joined to the bobbin is not persuasive for the reasons set forth above. There is clear motivation to combine the magnetic portions of the spacer of Hotta 450 with the spacer of 040 to reduce flux leakage, see the abstract of '450.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl I.E. Tamai whose telephone number is (703) 305-7066. The examiner can be normally contacted on Monday through Friday from 8:00 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Nestor Ramirez, can be reached at (703) 308-1371. The facsimile number for the Group is (703) 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist at (703) 308-0956.

Karl I Tamai  
PRIMARY PATENT EXAMINER  
May 27, 2003

KARL TAMAI  
PRIMARY EXAMINER

